

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

MICHAEL P. and SHELLIE GILMOR,)
et al.,)

Plaintiffs,)

vs.)

PREFERRED CREDIT CORP., et al.,)

Defendants.)

Case No. 10-0189-CV-W-ODS

ORDER GRANTING MOTION TO DISMISS
CREDIT-BASED ASSET SERVICE AND SECURITIZATION, LLC
WITHOUT PREJUDICE

Plaintiffs' motion (Doc. # 462) to voluntarily dismiss Credit-Based Asset Service and Securitization, LLC ("C-BASS") is granted. In approving the dismissal, the Court notes that C-BASS filed for bankruptcy relief in the United States Bankruptcy Court for the Southern District of New York, and in that proceeding C-BASS was dissolved with all of its assets placed in a Liquidation Trust. The only class members with claims against C-BASS have reached an agreement with the Trustee, subject to approval by the Bankruptcy Court.

Under the circumstances, the Court does not believe additional notice, a hearing or any other procedure is required under Rule 23. The only class members affected by the dismissal are aware of the circumstances and have already taken steps to personally protect their interests. Moreover, the disputes involving C-BASS are more readily resolved outside of this proceeding. Accordingly, all claims against C-BASS are dismissed without prejudice.

IT IS SO ORDERED.

/s/ Ortrie D. Smith
ORTRIE D. SMITH, SENIOR JUDGE
UNITED STATES DISTRICT COURT

DATE: February 10, 2012